

NOTICE OF DECISION
1215 E 9th Street PARTITION – PAR18-0002

September 18, 2018

Del Boca Vista
500 E Hancock Street
Newberg, OR 97132

The Newberg Community Development Director has approved the proposed tentative plan PAR18-0002 for a two lot partition at 1215 E 9th Street, tax lot R3220CB 06600, subject to the conditions listed in the attached report. The decision will become final on October 2, 2018 unless an appeal is filed.

All persons entitled to notice or anyone providing written comments within 14 calendar days prior to the date of the decision may appeal this decision to the Newberg Planning Commission in accordance with Newberg Development Code 15.100.170. All appeals must be in writing on a form provided by the Planning Division. Anyone wishing to appeal must submit the written appeal form together with the required fee of \$1,126.65 to the Planning Division within 14 days of the date of this decision.

The deadline for filing an appeal is 4:30 pm on October 1, 2018.

At the conclusion of the appeal period, please remove all notices from the site.

In order to fully complete the partition process, the applicant must meet all conditions of tentative plan approval and file a final partition application with the Planning Division. The final partition must be recorded within two years of the effective date noted above. If you are approaching the expiration date, please contact the Planning Division regarding extension opportunities.

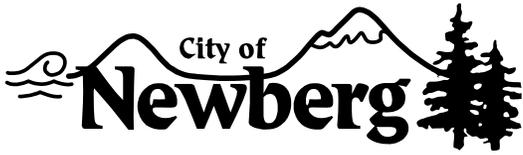
If you have any questions, please contact me at 503-554-7778 or keshia.owens@newbergoregon.gov.

Sincerely,

Keshia Owens

Keshia Owens
Assistant Planner

Cc: File PAR-18-002



DECISION AND FINDINGS

1215 E 9th Street PARTITION– PRELIMINARY PLAT

FILE NO: PAR18-0002
REQUEST: Partition one lot into three lots
LOCATION: 1215 E 9th Street
TAX LOT: R3220CB 06600
APPLICANT: Jessica Cain, Del Boca Vista
OWNER: Jeffery and Diane Wright
ZONE: R-2
PLAN DISTRICT: MDR
OVERLAYS: Airport Overlay (Airport Inner Horizontal Surface)

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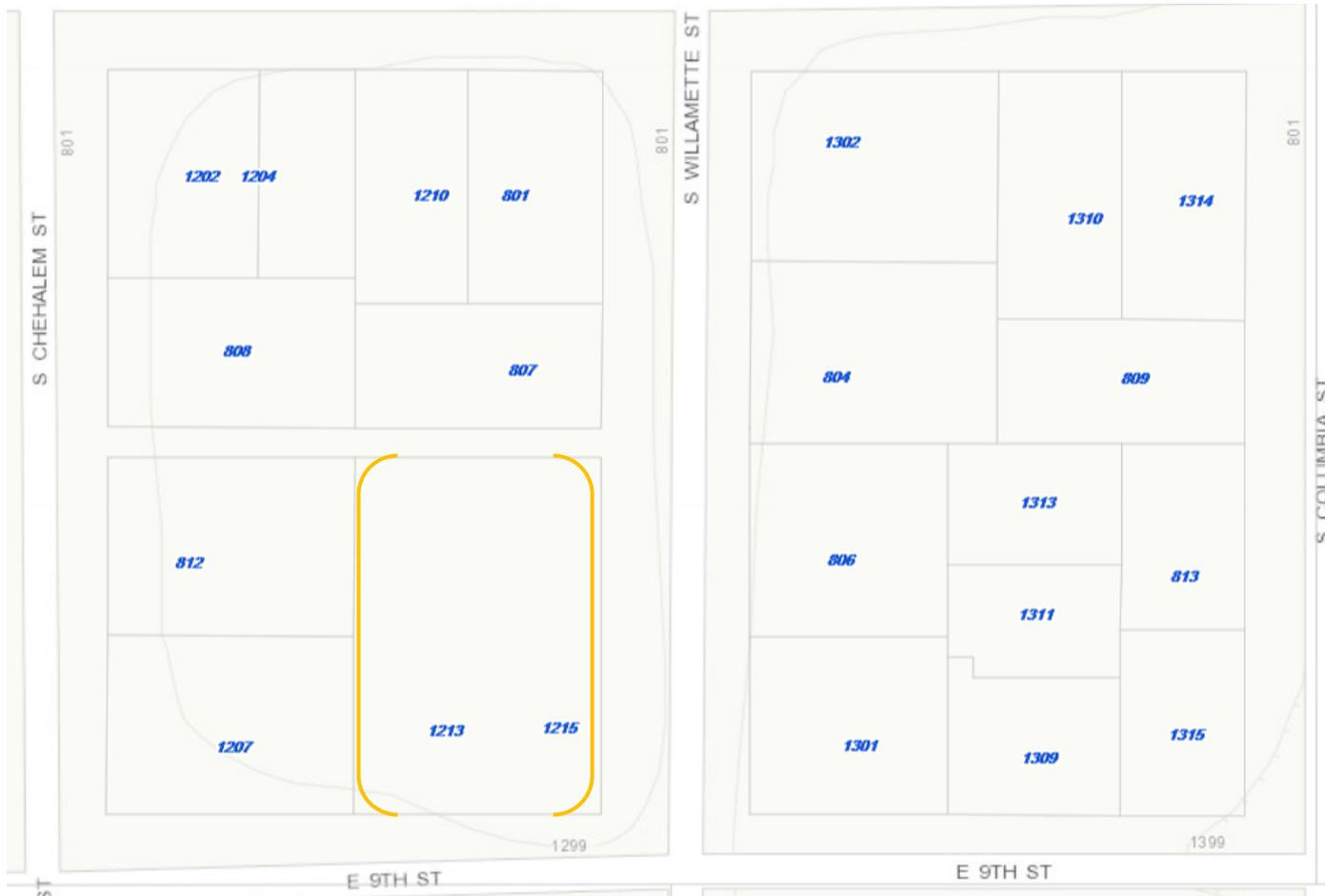
1. Tentative Plan
2. Public Comments/ Correspondence Received
3. Application

Section I: Application Information

A. DESCRIPTION OF APPLICATION: Preliminary plat approval for a partition that would divide one lot into three lots. Parcel 1 will be 3,778 square feet, Parcel 2 will be 3,607 square feet and Parcel 3 will be 6,999 square feet. Existing homes will remain on Lots 1 and 2, which also includes a garage, while a future house is proposed on Lot 3. Lots 1 and 2 will take access from E 9th Street and Lot 3 will take access from S Willamette Street.

B. SITE INFORMATION:

1. LOCATION:



C. SITE INFORMATION:

1. Location: 1215 E 9th Street
2. Size: 14,380 square feet
3. Topography: Flat

4. Current Land Uses: There is an existing house that will remain on Lot 1 and an existing house and garage will remain on Lot 2. A future house is proposed on Lot 3.
5. Natural Features: None
6. Adjacent Land Uses:
 - a. North: Single-family homes (R-2 zone)
 - b. East: Single-family homes (R-2 zone)
 - c. South: Commercial (C-1 zone)
 - d. West: Single-family homes (R-2. zone)
7. Access and Transportation: The applicant is proposing a 3-lot partition. Access for Lot 1 and Lot 2 are taken from driveways on E 9th Street and access for Lot 3 is taken from S Willamette Street.
8. Utilities: The parcels will be served by existing utilities that currently serve the existing duplex development.
 - a. Water: The City's GIS system shows there is a 6-inch cast iron water line along E 9th Street and a 12-inch cast iron water line along S Willamette Street.
 - b. Wastewater: The City's GIS system shows there is an 8-inch wastewater line along E 9th Street and an 8-inch cast iron wastewater line along S Willamette Street.
 - c. Stormwater: The City's GIS system does not show a stormwater line along the property frontage on E 9th Street or on S Willamette Street.
 - d. Overhead Lines: There are no overhead utilities along the west side of S Willamette Street, there are existing overhead utilities along the north side of E 9th Street along the property frontage.

D. PROCESS: The partition request is a Type II application and follows the procedures in Newberg Development Code 15.100.030. Following a 14 day public comment period, the Community Development Director makes a decision on the application based on the criteria listed in the attached findings. The Director's decision is final unless appealed. Important dates related to this application are as follows:

8/8/2018: The Community Development Director deemed the application complete.

8/10/2018: The applicant mailed notice to the property owners within 500 feet of the site.

8/13/2018: The applicant posted notice on the site.

8/28/2018: The 14-day public comment period ended.

9/18/2018: The Director issued a decision on the application.

- E. AGENCY COMMENTS:** The application was routed to several public agencies for review and comment. Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the city received the following agency comments:

PGE: Reviewed; no conflict

Frontier: Reviewed; no conflict

Tualatin Valley Fire & Rescue: Reviewed; no comment

Oregon Department of Transportation: Reviewed; no comment

- F. PUBLIC COMMENTS:** As of the writing of this report, the city has received two written comments on the application; summarized below. The full comments are included in Attachment 2.

Comments and concerns included:

- No objection to the proposed partition.
- Objection to the partition because there is no plan as to what will be built and how the split will add more congestion to what is already an issue in the area. Higher density housing needs to have a planned area and shouldn't be dropped in wherever.

- G. ANALYSIS:** The property is zoned R-2, which requires 3,000 square foot minimum lot sizes. The proposed partition would create three lots that meet the minimum lot size requirement and other standards for lot dimensions and coverage. Parcel 1 will be 3,778 square feet, Parcel 2 will be 3,607 square feet and Parcel 3 will be 6,998 square feet. Existing homes will remain on Lots 1 and 2, which also includes a garage, while a future house is proposed on Lot 3.

**Section II: Findings –File PAR18-0002
1215 E 9th Street Partition Tentative Plan**

A. *Applicable Partition Criteria – Newberg Development Code, 15.235.050*

- 1. *The land division application shall conform to the requirements of this chapter;***

Finding: The partition tentative plan application included all of the required submittal elements, and followed the Type II process and public notice requirements for a partition.

- 2. *All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;***

NDC 15.405.010 Lot area – Lot areas per dwelling unit

A. *In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:*

1. *In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.*

B. *Lot or Development Site Area per Dwelling Unit.*

1. *In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.*

C. *In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.*

D. *Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.*

Finding: The site is zoned R-2. Parcel 1 will be 3,778 square feet, Parcel 2 will be 3,607 square feet and Parcel 3 will be 6,999 square feet. All three lots are over 3,000 square feet and meet the minimum lot size requirement for the R-2 zone. Streets were not included in the calculation and lot size averaging is not proposed as this is not a subdivision. The proposal conforms to the requirements of NDC 15.405.010.

NDC 15.405.030 Lot Dimensions and Frontage

A. Width. Widths of lots shall conform to the standards of this code.

B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.

C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.

D. Frontage.

1. No lot or development site shall have less than the following lot frontage standards:

a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access.

b. Each lot in an R-2 and R-3 zone shall have a minimum width of 30 feet at the front building line.

c. Each lot in an R-1, AI, or RP zone shall have a minimum width of 50 feet at the front building line.

d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.

2. The above standards apply with the following exceptions:

a. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.

b. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.

c. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts.

Finding: Parcel 1 has over 50 feet and Parcel 2 has over 48 feet of frontage on E 9th Street, a public street. Parcel 3 has 70 feet of frontage on S Willamette Street. Parcel 3 has access to E 9th Street through a 10 foot public utility easement. All 3 lots are over 3,000 square feet in area and have a minimum width of 30 feet at the front building line. The lot depth to width ratio does not apply because the lots are less than 15,000

square feet. The proposal as submitted conforms to the requirements of NDC 15.405.030. All lots meet minimum width, depth, area and frontage requirements for the R-2 zone.

3. NDC 15.405.040 Lot Coverage and Parking Coverage Requirements

B.1. Maximum Lot Coverage.

a. R-1: 30 percent, or 40 percent if all structures on the lot are one-story.

b. R-2 and RP: 50 percent.

c. AR and R-3: 50 percent.

2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.

3. Combined Maximum Lot and Parking Coverage.

a. R-1, R-2 and RP: 60 percent.

b. R-3: 70 percent.

Finding: The R-2 zone limits the lot coverage (percent of lot covered by buildings) to 50% and parking coverage to 30%. No further development of the sites is proposed beyond the existing dwellings and access drive for Lots 1 and 2. A future house and access drive are proposed for Lot 3, based on the proposed plans the lot coverage will be under 50% and the parking coverage will be under 30%. The lot coverage of Lots 1 and 2 will also be under 50% and parking coverage will be under 30%. Both lots have a combined parking and lot coverage of less than 60%. The proposal complies with the lot and parking coverage standards for the R-2 zone.

4. 15.410.020 Front Yard Setback.

A. Residential.

1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.

2. R-3 and RP districts shall have a front yard of not less than 12 feet. Said yard shall be landscaped and maintained.

3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

Finding: The homes on Lots 1 and 2 have frontage on E 9th Street. The existing home on Lot 1 is set back 22 feet from the street and the existing home is set back 23.8 feet on Lot 2. The home proposed to be on Lot 3 is set back 20 feet. The existing garage on lot 2 does not abut a street; however, the applicant shows that the garage is set back 48 feet from the proposed access drive. The front yard setback standard is met.

5. **15.410.030 Interior Yard Setback.**

A. Residential.

1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.

Finding: Lots 1, 2, and 3 do not have interior yards of not less than 5 feet. The standard is met.

6. **15.430.010 Underground utility installation.**

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.

B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.

C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:

1. The cost of undergrounding the utility is extraordinarily expensive.

2. There are physical factors that make undergrounding extraordinarily difficult.

3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed. [Ord. 2537, 11-6-00. Code 2001 § 151.589.]

FINDING: The applicant's narrative and plans do not address undergrounding of future utility connections. Because the applicant's plans do not address undergrounding of future utility connections, the applicant will be required to underground future utility connections to any of the three proposed lots in compliance with NMC 15.430.010.

3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to NMC Division 15.500, Public Improvement Standards;

There are existing driveways on Parcels 1 and 2 and a proposed driveway on Parcel 3 that will provide direct access to E 9th and S Willamette Streets. Both streets are developed and are classified as local residential streets in the Newberg Transportation System Plan. There is a 6-inch cast iron water line along E 9th Street and a 12-inch cast iron water line along S Willamette Street and there is an 8-inch wastewater line along E 9th Street and an 8-inch cast iron wastewater line along S Willamette Street. The applicant's plans show water and wastewater services provided from those lines. No stormwater facilities are present along the property frontage on E 9th Street or on S Willamette Street. Access and necessary public improvements are

met or can be met as conditioned. Streets and utilities are addressed in more detail under applicable standards of Section 15.505 below.

7. Public Improvements

15.505.010 Purpose.

This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development. [Ord. 2810 § 2 (Exhs. B, C), 12 19-16.]

NDC 15.505.020 Applicability.

The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).

- A. Public Works Design and Construction Standards. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg public works design and construction standards.***
- B. Street Improvements. All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.***

FINDING: Both E 9th Street and S Willamette Street meet the City's current standards for local residential streets.

C. Water. All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.

Finding: There is an existing waterline both in E 9th Street and S Willamette Street. The preliminary plans show existing water meters to all three proposed lots. This requirement is met.

D. Wastewater. All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.

Finding: There is an existing wastewater line in E 9th Street and S Willamette Street. The plans show sewer lateral connections to the proposed lots. This requirement is met.

E. Stormwater. All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.

Finding: The applicant has submitted a preliminary partition that indicates some utility easements, however not all easements have been identified. Because the applicant has not indicated all utility easements, the applicant will be required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:

- a. 10-foot utility easements along all public street frontages for Lots No. 1-3. Stormwater facilities are not allowed to be co-located in public utility easements.
- b. A private sewer easement is required for any lateral crossing a separate parcel.

F. Utility Easements. Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.

Finding: The applicant's narrative indicates that they are proposing no public easements. However, public easements will be required based on the proposed partition. The applicant has not submitted the final plat so it cannot be determined if this requirement has been met.

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards.

T. Street Trees. Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).

FINDING: The applicant's plans show both existing street trees and proposed street trees along both E 9th Street and S Willamette Street. Because it is unclear if the City's street tree requirement is being met, the applicant is required to provide street trees that are compliant with 15.420.010(B)(4).

U. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

FINDING: The applicant's narrative and plans do not address street lighting along E 9th Street and S Willamette Street. Because street lighting is not shown, the applicant is required to provide street lighting that is compliant with the City's Public Works Design and Construction Standards.

15.505.030 Street standards.

B. Applicability. The provisions of this section apply to:

- 1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.***
- 2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.***
- 3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.***
- 4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.***
- 5. Developments outside the city that tie into or take access from city streets.***

E. Improvements to Existing Streets.

- 1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.***

Finding: Both E 9th Street and S Willamette Street meet the City's current standards for local residential streets. The applicant has shown two existing driveways on E 9th Street, and a proposed driveway on S Willamette Street. This requirement is met.

15.505.040 Public utility standards.

A. Purpose. The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.

B. Applicability. This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.

C. General Standards.

1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.

2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.

D. Standards for Water Improvements. All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.

1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.

4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.

FINDING: The applicant's plans and narrative indicate that no water improvements are needed and that all proposed lots have an existing service lateral and meter. This requirement is met.

E. Standards for Wastewater Improvements. All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.

1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.

2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.

3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.

4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.

5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.

6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.

7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.

FINDING: The applicant's submitted plans show existing sewer laterals for Lot 1 and Lot 2. The applicant's plans show that Lot 3 is served by an extension of an existing sewer lateral serving Lot 1. Per NMC 13.10.070(K), each parcel shall be served by individual laterals. Because the applicant's plans do not clearly show a separate sewer lateral for Lot 3, the applicant is required to provide a separate sewer lateral for Lot 3. The applicant is required to submit construction plans and obtain a Public Improvement Permit to install the wastewater sewer lateral to Lot 3 pursuant to the requirements of the City's Public Works Design and Construction Standards.

F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

FINDING: The applicant has submitted a preliminary partition that indicates some utility easements, however not all easements have been identified. Because the applicant has not indicated all utility easements, the applicant is required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:

- a. 10-foot utility easements along all public street frontages for Lots No. 1-3. Stormwater facilities are not allowed to be co-located in public utility easements.
- b. A private sewer easement is required for any lateral crossing a separate parcel.

15.505.050 Stormwater system standards.

C. General Requirement. All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

FINDING: The applicant's narrative indicates that Lot 1 and Lot 2 did not require stormwater treatment due to existing impervious surface areas on those partitioned lots. The applicant indicated that Lot 3 will install a rain garden to treat new impervious surface areas created by building a single-

family home. Because the applicant has not indicated they intend to provide construction plans and a final stormwater report prior to installing the proposed rain garden, the applicant is required to provide detailed construction plans and a final stormwater report that addresses requirements outlined in the Public Works Design and Construction Standards prior to issuance of a Building Permit for Lot 3 in accordance with NMC 13.25 Stormwater Management.

D. Plan for Stormwater and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:

1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.

2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.

3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.

FINDING: The applicant's narrative indicates building a future single-family home on Lot 3. New impervious surface areas will be created and the applicant indicated they would install a rain garden to treat stormwater. Because the applicant did not discuss the need for an erosion and sedimentation control permit to construct the proposed single-family home on Lot 3, the applicant is required to obtain an erosion and sedimentation control permit at the time of Building Permit.

E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16.]

FINDING: The applicant's narrative indicates the installation of a rain garden to address stormwater requirements for the new impervious surface area created on Lot 3. Because the applicant has not indicated they intend to provide construction plans and a final stormwater report prior to installing the proposed rain garden, the applicant is required to submit a stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and NMC 13.25 Stormwater Management requirements and obtain a Building Permit prior to installing the stormwater system improvements. Utility designs and alignments will be reviewed as part of the Building Permit. Stormwater facilities cannot be co-located in public utility easements.

B. CONCLUSION: The proposed partition satisfies City standards and approval criteria and is approved subject to the attached conditions.

**Section III: Conditions – File PAR18-0002
1215 E 9th Street Partition Tentative Plan**

A. The applicant must complete the following prior to applying for final plat approval:

1. **Construction Plans must be submitted for all infrastructure per the requirements below.**

General Requirements for engineering permit:

The Public Works Design & Construction Standards require that the applicant submit engineered construction plans for review and approval of all utilities and public street improvements. Please note that additional Engineering Department plan review application and fees apply for review of plans. Submit any required easements for review and approval, and record approved easements. No construction of, or connection to, any existing or proposed public utility/improvements will be permitted until all plans are approved and all necessary permits have been obtained.

The plans must note the following:

15.505. Public Improvement Standards

Street Standards:

1. Street Trees

- a. The applicant's plans show both existing street trees and proposed street trees along both E 9th Street and S Willamette Street. Because it is unclear if the City's street tree requirement is being met, the applicant will be required to provide street trees that are compliant with 15.420.010(B)(4).

2. Street Lights

- a. The applicant's narrative and plans do not address street lighting along E 9th Street and S Willamette Street. Because street lighting is not shown, the applicant will be required to provide street lighting that is compliant with the City's Public Works Design and Construction Standards.

Stormwater System Standards:

3. Stormwater Requirements

The applicant is required to submit stormwater sizing calculations and construction plans meeting the City's Public Works Design and Construction Standards and obtain a Building Permit to install the private stormwater system improvements on Parcel 3.

The applicant is required to provide a maintenance plan to the City, for review and approval that is appropriate for the type of stormwater facilities that will be constructed on Parcel 3.

Utilities:

Underground Utilities and Easement Requirements

- a. The applicant is required to underground utility connections and verify the location of those connections to the three proposed lots in compliance with NMC 15.430.010.

The applicant is required to submit construction plans and a final plat that include utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards. Easements to include, but not necessarily limited to 10-foot utility easements also on Parcels 1 and 2. Private stormwater facilities are not allowed in the public utility easement.

- b. The applicant will be required to provide a separate sewer lateral for Lot 3. The applicant will be required to submit construction plans and obtain a Public Improvement Permit to install the wastewater sewer lateral to Lot 3 pursuant to the requirements of the City's Public Works Design and Construction Standards.
- c. The applicant is required to submit a final plat that includes necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:
 - a. 10-foot utility easements along all public street frontages for Lots No. 1-3. Stormwater facilities are not allowed to be co-located in public utility easements.
 - b. A private sewer easement is required for any lateral crossing a separate parcel.
- d. The applicant is required to provide detailed construction plans and a final stormwater report that addresses requirements outlined in the Public Works Design and Construction Standards prior to issuance of a Building Permit for Lot 3 in accordance with NMC 13.25 Stormwater Management.
- e. The applicant will be required to obtain an erosion and sedimentation control permit at the time of Building Permit.

15.505.050 Stormwater system standards.

Development Standards:

- e. The applicant is required to submit a stormwater report and construction plans meeting the City's Public Works Design and Construction Standards and NMC 13.25 Stormwater Management requirements and obtain a Building Permit prior to installing the stormwater system improvements. Utility designs and alignments will be reviewed as part of the Building Permit. Stormwater facilities cannot be co-located in public utility easements.

B. Final plat submission requirements and approval criteria: In accordance with NDC 15.235.070, final plats require review and approval by the director prior to recording with Yamhill County. The final plat submission requirements, approval criteria, and procedure are as follows:

The applicant will be required to submit a Final Plat for review that includes utility easements meeting the specifications and standards of the Newberg Public Works Design and Construction Standards. Easements to include, but not necessarily limited to:

10-foot utility easement on Lot 3 that must also extend to Lots 1 and 2.

1. Submission Requirements:

The applicant shall submit the final plat within two years, or as otherwise provided for in NMC 15.235.070. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval. Preliminary paper copies of the plat are acceptable for review at the time of final plat application.
2. Written response to any conditions of approval assigned to the land division.
3. A title report for the property, current within six months of the final plat application date.
4. Copies of any required dedications, easements, or other documents.
5. Copies of all homeowner's agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner's association, including but not limited to a draft homeowner's association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.
6. Copies of any required maintenance agreements for common property.
7. A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.
8. Any other item required by the city to meet the conditions of approval assigned to the land division.

2. Approval Process and Criteria. By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval.

C. Filing and recording: In accordance with NMC 15.235.080, a new lot is not a legal lot for purposes of ownership (title), sale, lease, or development/land use until a final plat is recorded for the subdivision or partition containing the lot. The final plat filing and recording requirements are as follows:

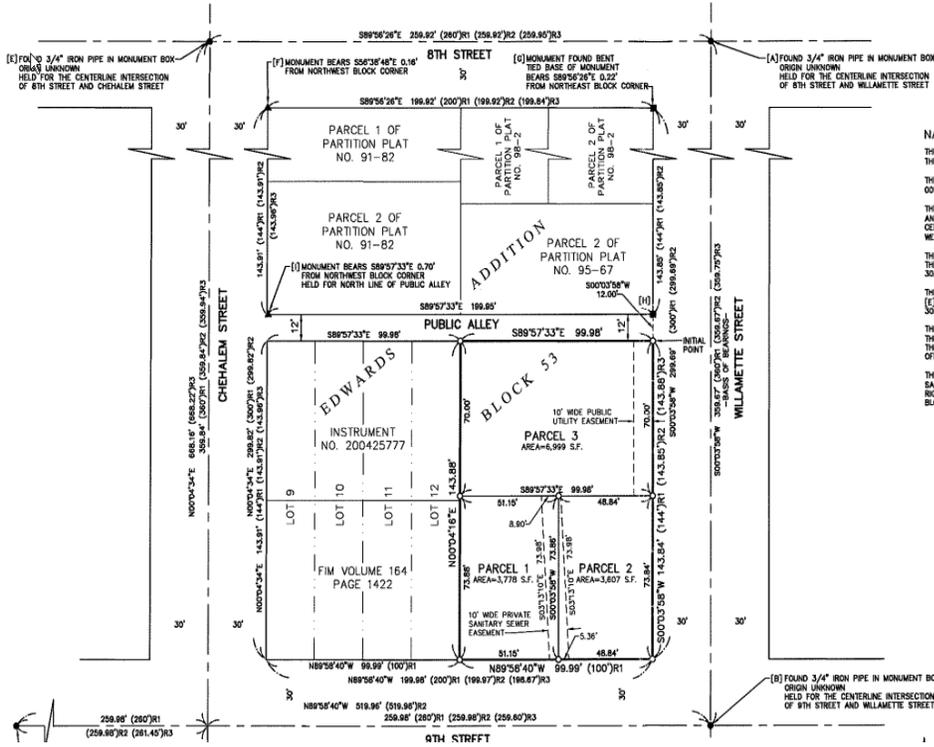
1. Filing Plat with County. Within 60 days of the city approval of the final plat, the applicant shall submit the final plat to Yamhill County for signatures of county officials as required by ORS Chapter 92.
2. Proof of Recording. Upon final recording with the county, the applicant shall submit to the city a paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
3. Prerequisites to Recording the Plat.
 - a. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;
 - b. No plat shall be recorded until the county surveyor approves it in the manner provided by ORS Chapter 92.

D. Development Notes:

1. **Addresses:** The Planning Division will assign addresses for the new partition. Planning Division staff will send out notice of the new addresses after they receive a recorded copy of the final partition plat.

Attachment 1: Tentative Plan

LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 24,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON
MAY 28, 2018



NOTES:
1.) PARCELS 1 AND 2 ARE SUBJECT TO A 10.00 FOOT WIDE PRIVATE SANITARY SEWER EASEMENT FOR THE BENEFIT OF THE OWNERS OF PARCEL 3, AS SHOWN HEREON.
2.) PARCEL 3 IS SUBJECT TO A 10.00 FOOT WIDE PUBLIC UTILITY EASEMENT, AS SHOWN HEREON.

NARRATIVE:
THE PURPOSE OF THIS SURVEY IS TO PARTITION LOTS 13, 14, 15 AND 16, BLOCK 53 OF THE PLAT OF "EDWARDS ADDITION", YAMHILL COUNTY RECORDS, INTO 3 PARCELS.
THE BASIS OF BEARINGS WAS ESTABLISHED BY HOLDING MONUMENTS [A] AND [B] AS SOUTH 000°58' WEST PER CS-10389, AS SHOWN HEREON.
THE CENTERLINE OF WILLAMETTE STREET WAS ESTABLISHED BY HOLDING MONUMENTS [A] AND [B]. THE EAST LINE OF SAID BLOCK 53 WAS ESTABLISHED BY OFFSETTING SAID CENTERLINE 30.00 FEET WEST. THIS LOCATION FOR THE EAST LINE OF SAID BLOCK 53 FIT WELL WITH MONUMENT [H].
THE CENTERLINE OF 8TH STREET WAS ESTABLISHED BY HOLDING MONUMENTS [B] AND [D]. THE SOUTH LINE OF SAID BLOCK 53 WAS ESTABLISHED BY OFFSETTING SAID CENTERLINE 30.00 FEET NORTH.
THE CENTERLINE OF CHEHALEM STREET WAS ESTABLISHED BY HOLDING MONUMENTS [C] AND [E]. THE WEST LINE OF SAID BLOCK 53 WAS ESTABLISHED BY OFFSETTING SAID CENTERLINE 30.00 FEET EAST.
THE NORTH RIGHT-OF-WAY LINE OF THE PUBLIC ALLEY THAT RUNS EAST-WEST THROUGH THE MIDDLE OF SAID BLOCK 53 WAS ESTABLISHED BY HOLDING MONUMENTS [I] AND [J]. THE SOUTH RIGHT-OF-WAY LINE OF SAID PUBLIC ALLEY WAS THEN ESTABLISHED BY OFFSETTING SAID NORTH RIGHT-OF-WAY LINE 12.00 FEET SOUTH.
THE WEST LINE OF THE SUBJECT PROPERTY (ALSO BEING THE WEST LINE OF LOT 13 OF SAID BLOCK 53) WAS ESTABLISHED BY HOLDING THE MIDPOINT OF SAID SOUTH RIGHT-OF-WAY LINE OF THE PUBLIC ALLEY AND THE MIDPOINT OF THE SOUTH LINE OF SAID BLOCK 53, AS SHOWN HEREON.

LEGEND:
○ - DENOTES 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "TERRACALC L.S."
● - DENOTES FOUND MONUMENT AS NOTED. HELD, UNLESS OTHERWISE NOTED.
■ - DENOTES FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "DUNCAN PLS 1942" PER CS-10389 - HELD, UNLESS OTHERWISE NOTED.
▲ - DENOTES FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP INSCRIBED "D. COOLEY L.S. 1906" PER PARTITION PLAT NO. 91-82 - HELD, UNLESS OTHERWISE NOTED.
R1 - DENOTES RECORD DATA PER THE PLAT OF "TOWNSEND ADDITION"
R2 - DENOTES RECORD DATA PER CS-10389
R3 - DENOTES RECORD DATA PER PARTITION PLAT NO. 91-82
S.F. - DENOTES "SQUARE FEET"

Attachment 2: Public Comments/Correspondence Received

City of Newberg
Community Development Department
PO Box 970
Newberg OR 97132

RECEIVED

AUG 22 2018

Initial: _____

File No, PAR18_0002

This is to advise you that I, Byron J. Garoutte residing at 1207 E, 9th St. do not have any objection to the proposed construction proposed in this notification.

Sincerely,



File No. PAR 18-0002
City of Newberg
Community Development Department
PO Box 970
Newberg, OR 97132

Andrew Schwab
901 S River St.
Newberg, OR 97132

From physically looking at the lot they have already built a second house. Now they want to split the lot after already having built an extra house on it? That part is unclear.

I still have issue and **disagree** with this split. There is no plan as to what will be built. Which leaves an open book, and problems down the line. Without exact plans for structures on these lots (which appears they already did build one), I STRONGLY disagree with allowing this split.

As it is already, it is impossible for 2 cars coming at each other to drive up and down the streets in this area. With cars being parked on both sides of the street. This split will only add more congestion to what is already an issue. The dropping of higher density housing in neighborhoods does nothing for the value or livability of people living there or future. Higher density needs to have a planned area, not just dropped in wherever.

The city on a whole needs to come up with consistent development plan. The splitting of lots at random is only destroying the inner city neighborhoods. There needs be long term planning and uniformity to it.

Thank you for your time

Andrew Schwab

Attachment 3: Application



TYPE II APPLICATION (LAND USE) -- 2018

File #: PAR18-0002

TYPES - PLEASE CHECK ONE:

- Design review
- Tentative Plan for Partition
- Tentative Plan for Subdivision

- Type II Major Modification
- Variance _____
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: Del Boca Vista LLC
 ADDRESS: 500 E Hancock Street, Newberg, OR 97132
 EMAIL ADDRESS: Jessica@dbvcorp.com
 PHONE: 971-281-8071 MOBILE: 971-996-7507 FAX: _____
 OWNER (if different from above): Jeffrey and Diane Wright PHONE: 503-236-3565
 ADDRESS: 9878 Champoeg Rd, Aurora, OR
 ENGINEER/SURVEYOR: Daniel Danilic PHONE: 971-281-8074
 ADDRESS: 403 E. Hancock Street, Newberg, OR 97132

GENERAL INFORMATION:

PROJECT NAME: 9th Street PROJECT LOCATION: 1215 E. 9th Street, Newberg
 PROJECT VALUATION: _____
 PROJECT DESCRIPTION/USE: Three lot partition
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3220CB 06600 ZONE: R-2 SITE SIZE: .33 SQ. FT. ACRE
 COMP PLAN DESIGNATION: _____ TOPOGRAPHY: Flat
 CURRENT USE: Single-Family Resident
 SURROUNDING USES:
 NORTH: R-2 Residential SOUTH: R-2 Residential
 EAST: R-2 Residential WEST: R-2 Residential

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Design Review	p. 12
Partition Tentative Plat	p. 14
Subdivision Tentative Plat	p. 17
Variance Checklist	p. 20

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

[Signature] 7/9/18
 Applicant Signature Date

[Signature] 7-7-18
 Owner Signature Date

Marc Willcuts, Member
 Print Name

Jeffrey and Diane Wright
 Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists

[Signature] 7-7-18

